

407 Maidu Drive  
Auburn, CA 95603  
July 17, 2017

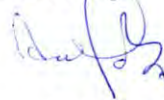
Jamie LeFevre  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

Dear Jamie LeFevre

This is a addendum to map already submitted. Public opinion of Auburn Bike Park, with update to include the remainder of Riverview Drive and Vista del Lago. Vista del Monte to follow. Also included are hard copies of 37 more petitions.

I believe the opinions of the neighbors should be considered.

Sincerely



An LaBarre MS, DVM



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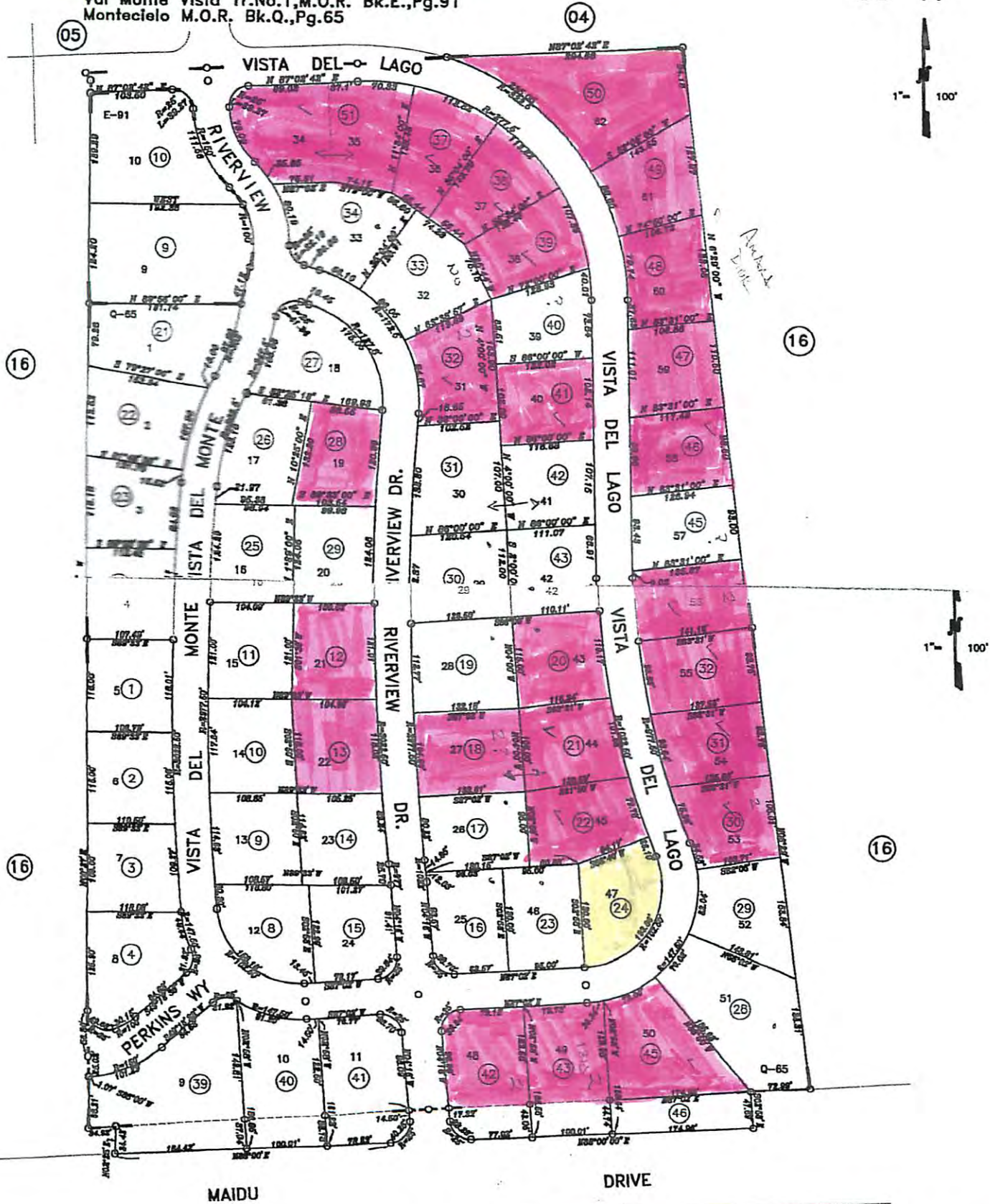
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NOTE

This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish precedence over local ordinances. Official information concerning size or use of any parcel should be obtained from recorded documents and local governing agencies.

Assessor's Map Bk.55 Pg.33  
 County of Placer, Calif.

NOTE

Assessor's Block Numbers Shown in Ellipses.  
 Assessor's Parcel Numbers Shown in Circles.

NOTE

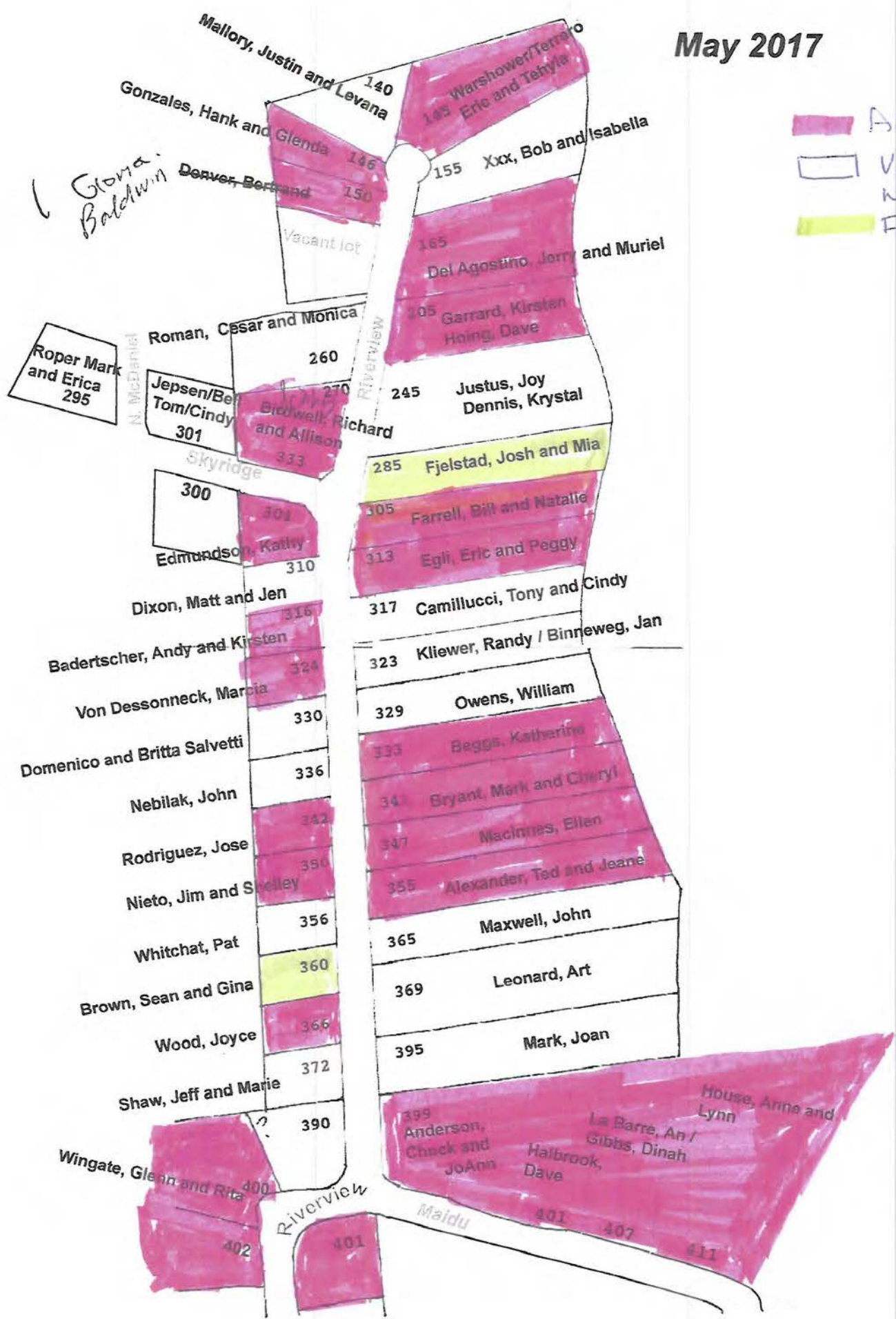
All distances on curved lines are length of curve measurements.

motion

AN

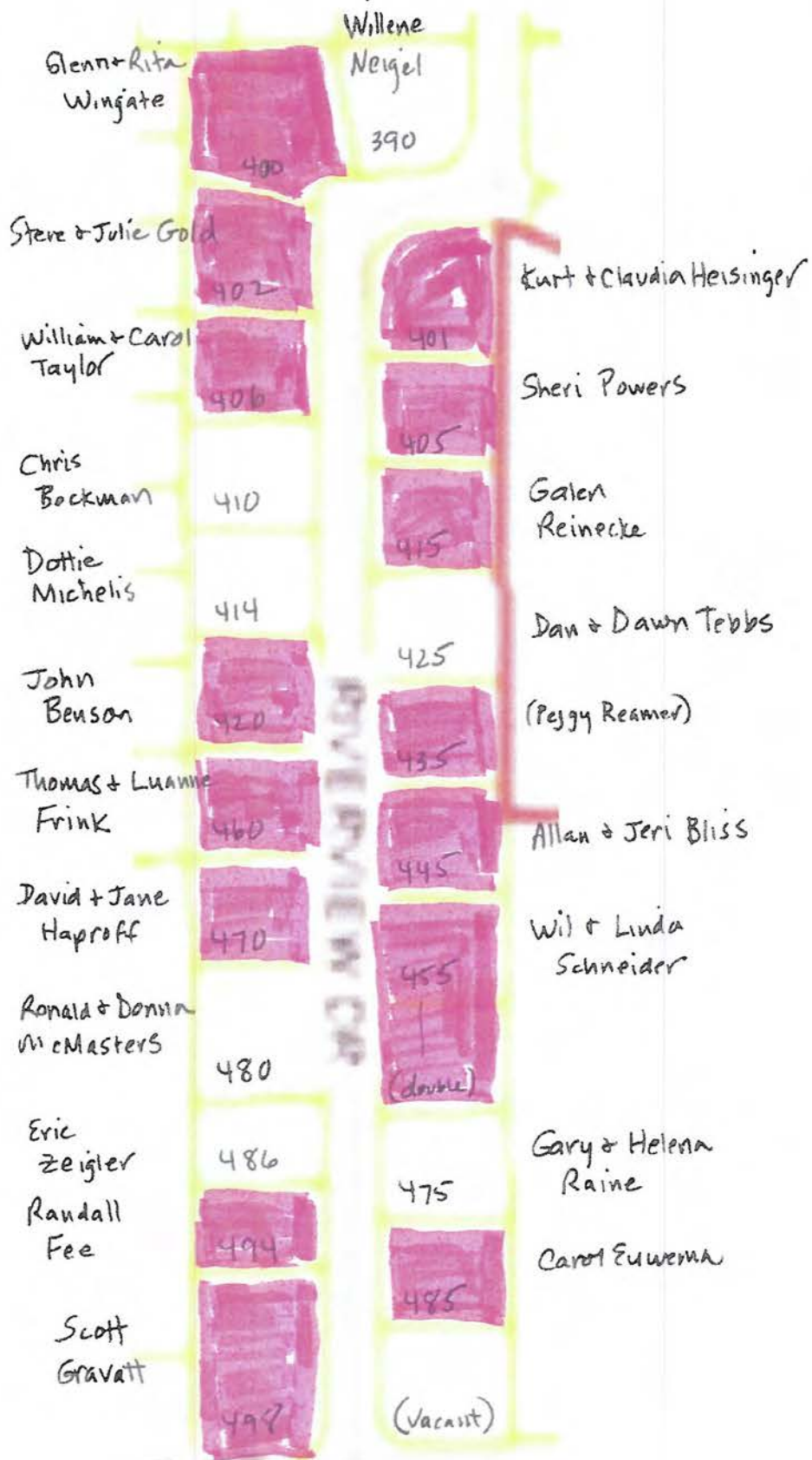
May 2017

 AGAINST  
 VACANT OR NO RESPONSE  
 FOR



Riverview Drive - South

1-1-07



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**From:** An LaBarre [mailto:anlabarre@yahoo.com]  
**Sent:** Sunday, June 11, 2017 10:07 AM  
**To:** Kahl Muscott <KMuscott@auburnrec.com>  
**Subject:** Re: Proposed Auburn Bike Park information

Kahl

I have commented in the past. No doubt you have faithfully entered them in the record. And the board has totally ignored all. I realize you have a job and goals, but: 1 Who will supervise safety?? 2 The access road is in awful shape. Who will maintain?? 3 What will be done to prevent Pedestrian/Equine conflict with Bike traffic?? 4 This is a very remote site—unsafe for unsupervised children. Enter those comments. Also, as a neighbor, I hate it.

On Jun 8, 2017, at 9:02 AM, Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)> wrote:

Hi An –

Would you like this comment entered as a formal comment that would become part of the record, and/or will you be submitting other comments to be considered in the environmental review process?

Kahl

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**From:** An LaBarre [<mailto:anlabarre@yahoo.com>]  
**Sent:** Wednesday, June 07, 2017 9:50 AM  
**To:** Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)>  
**Subject:** Re: Proposed Auburn Bike Park information

Hi KAL  
You know I hate it. AND I don't think it's a safe place for kids.

Sent from my iPhone

On Jun 7, 2017, at 9:29 AM, Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)> wrote:

Hello all –

I wanted to make sure that you all knew that the environment documents regarding the proposed Auburn Bike Park are available on the front page of our website <http://www.auburnrec.com/>

I have also attached the Notice of Intent.

Please share this information with anyone who may be interested. They are also free to contact me with any questions.

Thank you,

**Kahl Muscott, District Administrator**

Auburn Area Recreation and Park District

(530) 885-8461 ext. 102

<image003.jpg>

<Bike Park Notice of Intent - signed.pdf>



Lefevre, Jamie &lt;jlefevre@usbr.gov&gt;

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## Auburn Bike Park

1 message

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hooya <hooya43@yahoo.com>

Sat, Jul 1, 2017 at 9:10 AM

Reply-To: hooya &lt;hooya43@yahoo.com&gt;

To: "jlefevre@usbr.gov" &lt;jlefevre@usbr.gov&gt;

Cc: Lisa Latorre &lt;hooya43@yahoo.com&gt;

To whom it may concern:

As I will not be able to attend the July meeting, I am writing to show my support of the Auburn Bike Park/Pump track. I have lived in Auburn almost my whole life (we moved here in 1974) I really believe that this would be such a great addition to our community! I think it would keep kids out of trouble, people can learn new skills or improve on skills they already have. It would promote an activity that gives people lots of good exercise, and possibly start a hobby for people who may have been unwilling to try due to fear of cars or being out in the canyon on trails. It would be such a great place to take kids and spend some good time with the family. I hike and ride my bike in that area on a regular basis. I really don't think it would negatively impact my use of that area. Thank you for your time

Sincerely,

Lisa Latorre

110 Porter Lane

Auburn, CA 95602

(530)878-7895



**From:** Brett Martin [mailto:brettmartin8230@gmail.com]

**Sent:** Monday, July 3, 2017 8:56 AM

**To:** Kahl Muscott <KMuscott@auburnrec.com>; jlefevre@usbr.gov

**Subject:** Auburn Bike Park Support

Good Morning,

I am writing to express my support of the Auburn Bike Park and my preference that it remain in the current proposed location. I bought my house in 2014 and at the time bike park plans were already underway at the current location at the Maidu Community Center. The plans, and location contributed to my family's decision to buy the house we did. I have two young kids that will be able to bike to the current location from home without entering heavily trafficked roads. I have heard there is opposition mounting and trying to make a case for a North Auburn location and I vehemently disagree as the higher crime rate and homelessness will detract from families ability to enjoy the bike park safely. With all of the planning and fund raising efforts that have gone into the current location, I hope that these last minute oppositions can be overcome as it would start the whole process over and we have already been waiting and donating time and money for 3 years!

Sincerely,

Brett Martin

**From:** Whitney Michele [<mailto:whitneymichele@gmail.com>]

**Sent:** Friday, June 30, 2017 12:43 PM

**To:** Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)>

**Subject:** Bike park

Hello,

We moved to Auburn in July of 2015 and bought in S.Auburn. We have been hearing about and attending fundraisers for the bike park since we moved. We are very excited for it and can't wait til it open. My husband, children, and I plan to spend lots of time there together.

Thanks, Whitney Martin (1170 Humbug Way)

-----Original Message-----

From: Jared Mickel [<mailto:jared@mickel.ws>]

Sent: Monday, July 3, 2017 9:50 AM

To: Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)>; [jlefevre@usbr.gov](mailto:jlefevre@usbr.gov)

Subject: Auburn Bike Park

Kahl, Jamie:

Please register my strong support for the Auburn Bike Park. This is unarguably a very reasonable, in-demand amenity that responsive parents, elected officials, and civil servants should be providing to their communities.

Sent from my iPhone

Jared Mickel

**From:** Beth Moorehead [mailto:bethpm65@gmail.com]

**Sent:** Monday, June 12, 2017 10:37 AM

**To:** Kahl Muscott <KMuscott@auburnrec.com>; jlefevre@usbr.gov

**Subject:** Auburn Bike Park

Hello, I'm writing in support of the Auburn Bike Park. Bike parks are wonderful additions to any community and as a transplant from Santa Cruz CA I know just how successful and fun they are! Kids of all ages can enjoy learning new skills and doing so in a safe environment. Trails are fun, but can be exhausting to little kids, and not all parents have the capability of riding all trails - a bike park can solve that problem!

I would drive down from Grass Valley to utilize this park and then go venture into Knee Deep Brewery for a reward after.

Regards,

Beth Moorehead

**From:** Danny Murphy [mailto:danny.l.murphy@gmail.com]

**Sent:** Monday, July 3, 2017 10:55 AM

**To:** jlefevre@usbr.gov; Kahl Muscott <KMuscott@auburnrec.com>

**Cc:** anlabarre@yahoo.com; Judy Suter <jgsuter322@gmail.com>; Janey Jockey <skonst@sbcglobal.net>; Jenny Murphy <jenny.lynne.murphy@gmail.com>

**Subject:** Maidu Bike Park Project - DRAFT CEQA/NEPA

Hello-

I have the following concerns with the proposed Maidu Bike Park Project. Please address these concerns along with the rest of the community feedback on the NEPA/CEQA review.

Thank you.

Danny Murphy

402 Riverview Dive, Auburn

[805.234.6945](tel:805.234.6945)

[danny.l.murphy@gmail.com](mailto:danny.l.murphy@gmail.com)

**- Pedestrian Safety -**

Skyridge Drive, Riverview Drive, and Maidu Drive are popular pedestrian routes for both neighborhood circulation and access to the ASRA. However, the traffic assessment neither collected pedestrian volumes nor addressed pedestrian safety concerns on these facilities associated with the increased traffic generated by the project. There are no dedicated pedestrian facilities (sidewalks) on Riverview Drive and most of Skyridge Drive, and while sidewalks are present on Maidu Drive and some of Skyridge Drive, they are typically very steep in grade. These factors result in the travel lanes of these three roadways being used by a mix of pedestrians, bikes, and vehicles. As such, the traffic generated by the project significantly increases pedestrian exposure to vehicles. This safety issue is compounded by the horizontal and vertical curvatures of Skyridge Drive and Maidu Drive in particular. Proper study of these safety concerns requires pedestrian counts, vehicle speed survey, sight distance analysis, and a traffic engineer's assessment of pedestrian safety under project conditions. Mitigation might include sidewalk, signing and striping, and/or other traffic calming improvements.

**- Bike/Pedestrian Conflicts on Single Track -**

Existing single track trails, most notably the PCWA Shirland Canal trail and the Pioneer Express Trail, are heavily used by hikers and runners. Without proper restrictions against bicycles on these trails, they will surely be used by cyclists for both park access and recreation, creating frequent and dangerous pedestrian-to-bicycle conflicts near open water and steep slopes. As dedicated bicycle facilities are provided by the project, the project should ensure bikes are restricted from existing trails at access points on Maidu Drive (north and south) and on Pacific Avenue.

**- Maidu Drive Rehabilitation -**

The steeply graded portion of Maidu Drive near the proposed project is in serious disrepair. The additional vehicular volume under project conditions will significantly exacerbate issues with cracking and potholing in the existing pavement. Efforts to fill cracks and potholes in this roadway have proved ineffective under current conditions. In order to mitigate advanced deterioration under project conditions, the project will need to include complete resurfacing of Maidu Drive between the Pleasant Avenue Gate and the bend at the top of the hill WSW of the CVCC.

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**From:** Robert.Myers [mailto:Robert.Myers@twinriversusd.org]  
**Sent:** Monday, July 3, 2017 10:36 AM  
**To:** jlefevre@usbr.gov; Kahl Muscott <KMuscott@auburnrec.com>  
**Subject:** Auburn Bike Park

To whom it may concern,

I am writing in **strong support** of the Maidu bike park project (aka Auburn Bike Park). My family and I live near the proposed location and I would LOVE to see this project come to fruition. I have two children, ages 9 and 12 who like riding bikes and I have been an avid bike rider for many years, from racing bmx bikes as a youth, to many years of mountain biking as an adult. This bike park would be a huge asset in our community. I also have many friends in the area who are in need of these types of activities with their own kids.

My wife and I moved our family to Auburn in 2008, largely because of the outdoor recreation opportunities here. We regularly utilize the trails for riding and running. Prior to moving here, we were well aware of all the recreation opportunities, but what we did not yet know, was the community that we have come to love. Since we've moved here, we have both done hours of volunteer trailwork, and last year I had the incredible experience of being a Western States 100 mile Endurance Run finisher. We love Auburn, and believe this bike park project would be one more piece of a fantastic pie.

Also, as a person who has worked with youth for many years as a teacher and school principal, I firmly believe it is our responsibility to provide opportunities for healthy, engaging, pro-social, and fun activities. I have seen too many times the various negative results of kids who do not have these opportunities.

We appreciate your work on this project and can't wait for the park to be open for us to enjoy as a family!

Sincerely,

Rob Myers  
Principal, Foothill Ranch Middle School  
North Highlands, CA 95660  
(916) 566-1880 ext. 61211  
Cell (916) 743-5192

ALL students should feel safe, welcome, and connected.

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**From:** William Owens [<mailto:wmowens@sbcglobal.net>]

**Sent:** Wednesday, June 28, 2017 3:04 PM

**To:** Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)>

**Subject:** Maidu Bike Park Project

Please find attached...

Thank you!

*William Owens*  
916.224.9119

4) **THE COMMUNITY PREVIOUSLY AND PUBLICLY EXPRESSED THEY DO NOT WANT A BIKE PARK AT MAIDU DRIVE**  
Due diligence has not been carried out in canvassing and taking into account the opinions of the community with respect to the location of the bike park. As verified by a standing room only meeting hosted by ARD at the Canyon View Community Center on March 27, 2014, neighbors expressed that they do not want the bike park located at Maidu drive, nor do hikers, runners, seniors, or equestrians. This clearly suggests locating the bike park at Regional or Shockley would be the best compromise to support our entire community. There is only one school in the Maidu Rd area so why not put the park near where more of our kids live in north Auburn? All of the youth that live in north Auburn would benefit more from these optional locations.

5) **COMMUNITY WAS NOT GIVEN THE FULL SCOPE OF THE PROJECT**  
The CEQA/NEPA project description includes an expansive combination of 9 acres of obstacles with over 1.21 acres of disturbed land area including a strider track, directional flow trail, all-mountain trail, naturalized technical trail, jump track and return trail, skills loop, connector trails, and a pump track. The full project scope was not presented to the public until the release of the CEQA/NEPA and should have been communicated to the proximal neighbors and current area trail users so they could have had time to fairly evaluate it.

6) **HEATH AND SAFETY ISSUES**  
Health concerns from airborne dust and particulate matter are characteristic of bike parks from spinning bike tires constantly churning the soil. Runners and hikers would be subjected to inhaling airborne particulates when they passed through the area on the trail re-route or on the irrigation canal path above. Many people are allergic to soil molds and the elderly are also more sensitive to dust particles.

There is a concern about asbestos because asbestos was found on the bike park site in a soil sample. The constant churning of soil by bike tires and inefficient dust control could result in a major health hazard.

The adjacent trail system in the American River Canyon is experiencing trail safety issues caused by illegal trail poaching and speeding bicycles (a deadly combination) on single track trails that are not designed for multi-use. Reports on accidents are well documented. Until these problems are under control it makes sense to not unnecessarily add more potential issues.

With an estimated additional 278 vehicle trips per day on weekends when other area trail use is at it's highest, this presents huge safety issues. The current trail users in the area not only cross Maidu Rd in two places but often use Maidu Rd to go between the canal path or the Pioneer Express Trail and the ASRA trails below. Horse trailers also park along the road because their parking lot was paved over and a replacement parking area has not been provided as of yet. Currently this is a very low traffic area which clearly makes any additional traffic a legitimate and significant safety concern.

7) **MANAGEMENT CONCERNS**  
Most of the Management for the bike park is reportedly to be done by volunteers. How will standards, rules, and laws be enforced during times of lean volunteer availability or change in the available volunteer base? Neither the ARD board staff nor the bike park volunteers are equipped or trained to deal with potentially confrontational situations arising from enforcing rules. Concerns with loud music and profanity are valid as they disturb the natural environment, dampen the trail use experience, and will disturb neighbors that live on the outskirts of the area. Policing and supervision is ineffective in remote areas as response times are delayed. This clearly supports a more centrally located bike park. Who is liable with concern to all safety, environmental, noise disturbances, and all other potential issues and how can the public hold them accountable? What if maintenance fails to get done sufficiently? Who will pay for the ongoing maintenance and unplanned expenses? These issues are not adequately covered in the CEQA/NEPA.

**SUMMARY**

I/We feel that multiple user groups should not be displaced for one special interest group that can be accommodated elsewhere. I/We feel that development should not be expanded onto the edge of a beautiful river canyon when mother nature does not have a voice. We are her voice and we don't want a bike park diminishing the quality of the passive recreational use and natural surroundings of this beautiful, treasured area.

Respectfully on this day, June 26, 2017  
Name: William OWENS Signature: [Signature]  
Address: 329 Riverview DR. Auburn, CA 95603

Additional Comments: While I wholeheartedly support responsible recreational facilities in our community, based on the valid arguments above, I adamantly oppose this location!

Return your response post marked before July 3, 2017 to;  
Maidu Bike Park Project  
Auburn Area Recreation and Park District (ARD)  
123 Recreation Drive  
Auburn, CA 95603

Email your response by July 3, 2017 to  
Kahl Muscott, District Administrator at;  
[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)



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**From:** William Owens [mailto:wmowens@sbcglobal.net]  
**Sent:** Wednesday, June 28, 2017 4:07 PM  
**To:** Kahl Muscott <KMuscott@auburnrec.com>  
**Subject:** Re: Maidu Bike Park Project

Here you go...

Thank you!

On Wednesday, June 28, 2017 3:07 PM, Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)> wrote:

Hi William –

I only received the 2<sup>nd</sup> page.

Kahl

---

**From:** William Owens [<mailto:wmowens@sbcglobal.net>]  
**Sent:** Wednesday, June 28, 2017 3:04 PM  
**To:** Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)>  
**Subject:** Maidu Bike Park Project

Please find attached...

Thank you!

*William Owens*  
916.224.9119

## Response to the DRAFT Maidu Bike Park Project CEQA/NEPA Released on June 2, 2017

*I/We are among the community members, neighbors, and trail users of the area in which the proposed bike park location resides on Maidu drive in Auburn, California. I/We would like to share some of our concerns with this location choice and concurrently express our support for the bike park project and the ARD board with respect to locating the bike park at another location, such as one of the large acreages of ARD owned property located at Regional Park or Shockley Rd, that is not on the American River canyon rim, does not displace passive recreation, and does not disturb our beloved trails.*

*I/We strongly dispute a Mitigated Negative Declaration and support a "No Action" alternative to the draft CEQA/NEPA Maidu Bike Park Project.*

### 1) **SIGNIFICANT LOSS OF AN IRREPLACEABLE VIEWSCAPE AND SCENIC VISTAS**

There is widespread consensus that our American River Canyon is a beautiful, unique local treasure; an irreplaceable natural asset. The proposed Maidu Rd bike park location is historically and currently used as a quiet trail passage along the American River Canyon rim through an extremely beautiful area of mixed grasslands and oak woodlands with a stunning view of both the canyon and high peaks of the Sierras beyond. The American River can be seen meandering it's way towards Oregon Bar at the bottom of the canyon. Building a bike park at this location would permanently change this irreplaceable view, the natural experience that is currently enjoyed here, and the entire feel of this quiet area. The entire foreground of the viewscape would be altered with shrubs and trees removed and replaced with large mounds (over 8 feet tall per plan) of dirt formed into multiple dirt obstacles. Clearly this project would have a substantially adverse affect on scenic value and degrade the existing quality and ambiance of the site and surrounding. Views of the American River and Sierras from the proposed Pioneer Express Trail reroute at the bottom of the jump track would be through a chain link fence with the paved road in the foreground below the berm and not the same as the expansive views seen from the current location up near the irrigation canal path. Snap a photo of the River Canyon and Sierras and compare it to photos of bare dirt bike parks and the significant aesthetic loss is easily evident. The draft CEQA/NEPA does not adequately acknowledge this significant environmental impact and there is no suitable mitigation for it's loss.

### 2) **CHANGE IN USE FROM A PASSIVE RECREATION AREA**

The bike park is a complete "change of use" for the area. The current and historical use is a passive recreation area where trail users are drawn here to enjoy the quietness, wildlife, and beautiful scenery. Their experience would be completely altered with bikes moving fast, bikes going airborne, and bare dirt tracks, dirt mounds, and bike skills obstacles such as berms, rollers, pumps, a strider track, and jumps throughout the area replacing the natural serene feel. Other consequences that will alter the quiet, natural area, include damaging plants, removing trees and rock outcroppings, and endangering wildlife. In fact, there will be very little wildlife that will remain as this type of park is not hospitable to the native fauna. What effect will the low level security lighting near the bike park have on area wildlife including potential habitat for nocturnal species such as the Threatened Townsend's Big Eared Bat? These are significant impacts due to the conflict with the current use as a natural area and the change in quality of experience over a large footprint. This loss cannot be mitigated due to the inherent character of a bike park which is more akin to industrial development.

Does the bike park also comply with current by-laws, local ordinances, and written agreements with and between all involved parties and municipalities? For example, is a bike park in line with the CA State Parks mission, "protecting its most valued natural and cultural resources"? Is grading and excavating an area of this size, altering the natural topography, bringing in truckloads of outside soil, creating an environment inhospitable to wildlife, removing shrubs and grasses and many oak trees in line with our CA State Parks mission? It puts bikes on the historical Pioneer Express Trail that runs through the bike park area which is a designated State Parks passive recreational hiker and equestrian only designated trail. There is also clear and obvious conflict of interest created by putting several recreational groups in the same area with opposing goals. A bike park is not compatible within this part of the CA State Parks Gold Fields district.

### 3) **NO COMPARABLE MITIGATION FOR NATIONALLY DESIGNATED HISTORICAL TRAIL LOSS**

The current proposed bike park bifurcates the existing nationally designated historical Pioneer Express Trail that has been at that location for decades. Moving this historical trail arbitrarily is a significant and avoidable loss. The bike park planning committee has proposed to move the trail to the lower side of the bike park along a bank that drops off onto a paved road for the purpose of mitigation. The rerouted trail view would be of exposed dirt bike park features on one side and obstructed views of the American River canyon through a newly installed chain link fence with the paved road below the berm in the foreground. Additionally, many runners, hikers, and others do not want to recreate in the vicinity of a bike park and inhale the dust that a bike park would generate. This reroute proposal is not equivalent (the trail would still be adjacent to the bike park noise, dust, poor aesthetics, etc.) and is not safe (adding extreme safety issues forcing horse riders along a drop-off or sandwiched between a proposed chain link fence and the jump track with jumps over 8 foot high and airborne bikes on the hill above them) so does not provide for any measure of reasonable mitigation. Furthermore, this section of trail is a major connector trail between FLSRA and ASRA and should remain as such. Mitigation proposals that significantly alter the current use, disassemble major trail connections, and compromise the safety of other persons should not be considered.

The other proposed trail mitigation is utilizing an existing road (closed to vehicular traffic) that winds down overlooking the China bar area. This road is already a designated multi-use trail that everyone can use so it is not anything new that is being provided for trail loss mitigation. Providing a dirt shoulder along a road is in no way similar to the quiet section of single track, shady, and scenic Pioneer Express Trail that would be lost.

4) **THE COMMUNITY PREVIOUSLY AND PUBLICLY EXPRESSED THEY DO NOT WANT A BIKE PARK AT MAIDU DRIVE**  
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Respectfully on this day, June 26, 2017  
 Name: William OWENS Signature: [Signature]  
 Address: 329 Riverview Dr, Auburn, CA 95603

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 Maidu Bike Park Project  
 Auburn Area Recreation and Park District (ARD)  
 123 Recreation Drive  
 Auburn, CA 95603

Email your response by July 3, 2017 to  
 Kahl Muscott, District Administrator at;  
[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)

----- Forwarded message -----

From: Janet Peterson <[precizjon@gmail.com](mailto:precizjon@gmail.com)>

Date: Jul 3, 2017 4:55 PM

Subject: Bike Park Commnet

To: [jlefevre@usbr.gov](mailto:jlefevre@usbr.gov), Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)>

Cc:

I am forwarding this comment as Mr. Davis is unable to do so from his weekend office.

**Robert Hadley Sydnor, F.GSA**  
California State Professional Geologist #3267  
California State Certified Hydrogeologist #6  
California State Certified Engineering Geologist #968  
RHSydnor@aol.com telephone 916-335-1441  
4930 Huntridge Lane, Fair Oaks, California 95628-4823

**June 30, 2017**

**Subject: Comments on Geology and Mineral Dust, Maidu Bike Park Project  
CEQA Initial Study and  
NEPA Environmental Assessment**

U.S. Department of the Interior, Bureau of Reclamation  
southeast of Auburn, Placer County, California  
State Clearinghouse Number # \_\_\_\_\_ (not legally furnished)

The 210-pages for the CEQA Initial Study for the proposed Maidu Bike Park Project have significant geologic omissions regarding mineral dust. It is recommended that this document be *withdrawn* by the applicant, Auburn Recreation District, then rewritten and revised to bring it up to minimum legal standards, then posted and circulated as a “new” Initial Study with the *required* State Clearinghouse Number, with a new 60-day review period. The environmental reviewing agency is legally the U.S. Bureau of Reclamation, not the Auburn Park and Recreation District (which does not own the land).

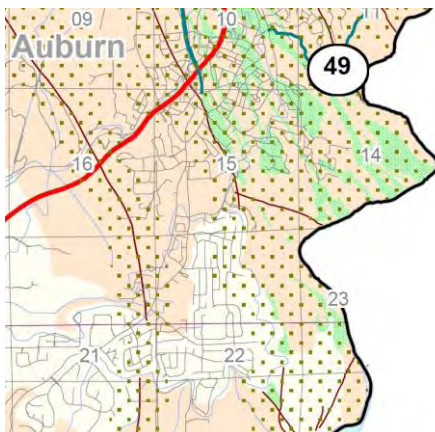
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**Geologic Comment #1**

Several highly-relevant geologic documents are *not* cited, and the geologic maps are not provided in the CEQA Initial Study:

Higgins, Chris T, and Clinkenbeard, John P., 2006, Relative likelihood for the presence of naturally occurring asbestos in Placer County, California: California Geological Survey, Department of Conservation, Special Report 190, 45 pages, geologic map Plate #1 at scale 1:100,000.

A small inset of western portion of this geologic map should have been provided for the Maidu Drive area and for a radius of several miles around, including the site of unbuilt Auburn Dam and the serpentine in the Foothills Fault zone. This geologic map shows several northwest bands classified as “high”= green; or “moderate”= pink; or “unlikely” =white to contain asbestos. Additionally, the Foothills Fault Zone (dark brown thin lines) needs to be labeled and disclosed. All three zones occur in the area of Maidu Bike Park Project. Here is an extract from **CGS Special Report 190 asbestos map** that needs to be legally disclosed within the CEQA Initial Study:



Green = Highly likely asbestos  
Pink = Moderately likely asbestos  
White = Unlikely asbestos

The environmental consultants need to properly disclose this geologic map in the pages of the CEQA Initial Study. It should not be vaguely referenced elsewhere, but fully showcased as a page-sized illustration directly in the CEQA Initial Study. Plot the Maidu site, and evaluate all 18 *better* Bike Park sites *elsewhere* in the Auburn area.

## Geologic Comment #2

This relevant geologic report and geologic map for the Auburn area from the California Geological Survey is not cited and not utilized:

Kohler, Susan L., 1983, Mineral Land Classification of the Auburn 15-minute Quadrangle, El Dorado and Placer Counties, California: California Geological Survey, Department of Conservation, Open-File Report 83-37, 48 pages.

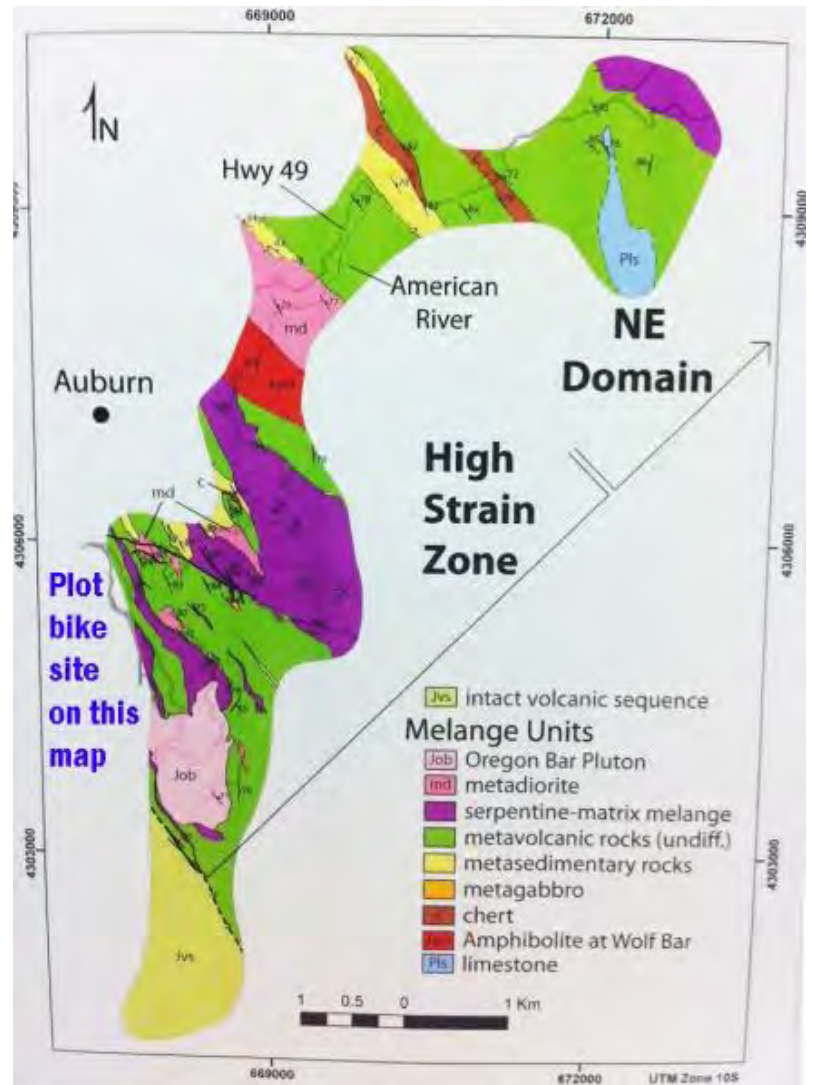
## Geologic Comment #3

There is a 2013 unpublished Master of Science geology thesis prepared at the University of California, Davis, for the bedrock geologic units along the North Fork of the American River between Newcastle, Auburn damsite, the Confluence of the American River, and Cool. This is detailed geologic mapping of all bedrock units in the Maidu Bike Park area.

The key point is that the **purple** color indicates **serpentine** which is highly likely to also carry **asbestos fibers**. The geology consultants Holdrege and Kull need to review this detailed geologic map, plot the bike site, and incorporate it into their own consulting report(s). This consulting geology firm also needs to showcase that in close proximity to the one-acre bike park is a large exposure of serpentine that generates wind-blown mineral dust.

A professional poster of this geology thesis was given at the American Geophysical Union annual convention in San Francisco with 23,000 geologists and geophysicists in attendance. That is where I became aware of the new excellent geologic mapping by a graduate student at the University of California, Davis. Sorry that I do not have the name of the geology graduate student....will obtain this soon. This UCD geology thesis is on-file at the library of the University of California, Davis.

This geology thesis was supervised by UCD geology research professor Dr. Sarah M. Roeske. E-mail: SMRoeske@ucdavis.edu



Note carefully that this "detailed" 2013 geologic mapping by a geologist at the University of California, Davis, supersedes the "general" county-wide 1:100,000-scale geologic mapping used seven years earlier in 2006 by excellent senior-level geologists of the California Geological Survey for their Special Report 190. Newer detailed 2013 geologic mapping by UC Davis supersedes older 2006 generalized mapping. Notice the 1-kilometer bar-scale in the geologic map shown above. It is doubly different from the asbestos map shown in Comment #1 on the previous page.

#### Geologic Comment #4

The complete text, geologic maps, geologic cross-sections, geology sampling locations, and geology reports by Holdrege and Kull (September 3, 2014; February 24, 2016; April 29, 2016; and asbestos dust review letter by Youngdahl are *not* included in the 210-page CEQA Initial Study. It is presently unknown if the Holdrege and Kull reports include an analysis of mineral dust from the open exposures of the Auburn dam abutments.

These relevant geologic reports are *not posted* on the official California State Office of Planning and Research website, the State Clearinghouse for all phases of CEQA documents.

#### Geologic Comment #5

The Youngdahl review letter signed by David Sederquist, CEG, is dated March 7, 2016. He is known to be a highly-qualified geologic specialist for asbestos and mineral dust. However, *one month later*, there was a subsequent asbestos sampling report by Holdrege and Kull that is dated April 29, 2016.

It is inferred that David Sederquist has *not yet* reviewed the *subsequent* asbestos sampling report. He needs to be sent the April 29, 2017 report by Holdrege and Kull, then prepare his own analysis of it.

#### Geologic Comment #6

A geochemistry report of the soils and sediments in the Sacramento Valley region area has been published in a 2009 study by geologists of the U.S. Geological Survey. These USGS geochemists provide detailed information for the western Placer County area, so there is data on heavy metals in the soils that can be extracted and used for the Auburn area. The published citation is:

Goldhaber, Martin B., Morrison, Jean B., Holloway, JoAnn M., Wanty, Richard B., Helsel, Dennis R., and Smith, David B., 2009, A regional soil and sediment geochemical study in northern California: *Applied Geochemistry*, volume 24, pages 1482-1499. *(I will be pleased to forward a .pdf of this 18-page published journal article to professional consulting geologists.)*

#### Geologic Comment #7

The CEQA Initial Study should evaluate **wind-blown mineral dust** (possibly including asbestos fibers) from adjacent surficial and bedrock units that are openly exposed in the unbuilt Auburn Dam area. Earth-moving, grading, and restoration of the exposed abutments of the unbuilt damsite creates mineral dust on hot summer days. With climate warming, these hot wind-blown dusts are likely to become even more frequent. All users of the Maidu Drive and China Bar areas need to be cognizant of these latent dusty hazards.

The entire venue of the Maidu Drive area is considered by geologists and mineralogists as a “dusty world.” It is not sufficient to simply dismiss the mineral dust situation from a small one-acre parcel on Maidu Drive. Instead, the entire area of the dam abutments must be considered for wind-blown mineral dust. The U.S. Bureau of Reclamation is slowly covering some of these areas with soil, but it will take many decades for the area to become vegetated. It is not sufficient to only evaluate temporary mineral dust from the proposed grading operations for the Maidu Bike Park. That is myopically avoiding the long-term hazard of mineral dust from the abutments of the Auburn damsite.

Therefore, “Less-Development” or “No-Development” is a prudent choice to avoid mineral dust from the exposed abutments of the Auburn damsite that would be inhaled by bicycle riders at a bike park.

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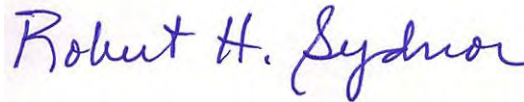
In summary, we professionally licensed geologists need a reasonable opportunity to study and evaluate the complete geologic reports for the proposed Maidu Bike Park that should be legally posted on the State Clearinghouse website.

It should be noted that there were 18 bike park sites originally proposed by the Auburn Recreation District, yet (sadly) **only one is now evaluated**, and it has **significant long-term adverse issues from mineral dust** from the Auburn Damsite Abutments. A CEQA Initial Study should have properly evaluated all 18 of the bike park sites. Many of them are geologically superior to the Maidu site in regards to mineral dust that would be inhaled by bike riders.

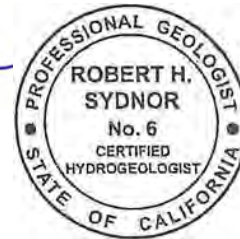
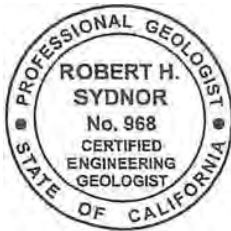
A comprehensive list of bibliographic references for mineral dust is attached. These scientific references need to be used within the CEQA Initial Study.

Until then, the **CEQA Initial Study is incomplete** and needs to be **revised, edited, improved, and recirculated** with the legally-required State Clearinghouse number.

*Respectfully submitted,*



Robert Hadley Sydnor, Geologist



*Fellow*, Geological Society of America  
*Life Member*, California Academy of Sciences  
*Life Member*, American Geophysical Union  
*Life Member*, American Association for the Advancement of Science  
*Life Member*, Association of Engineering Geologists  
*Member*, National Groundwater Association  
*Member*, American Society for Testing and Materials,  
30-year voting member of ASTM Committee D-18 for soil and rock (including mineral dusts and asbestos)  
California State Professional Geologist #3267  
California State Certified Hydrogeologist #6  
California State Certified Engineering Geologist #968  
Co-Author of the State of California CEQA Guidelines

Geologic References for Asbestos and Wind-blown Mineral Dust are attached.



# Selected Geologic References for Naturally-Occurring Asbestos (= N.O.A.), and Wind-blown Mineral Dust, with Application to the Exposed Rock and Soil in the vicinity of the Auburn Damsite Abutments

Compiled on June 30, 2017, by Robert H. Sydnor, California Certified Engineering Geologist #968

This is an abbreviated list for the geologic hazards of mineral dust. Especially useful references for the Auburn Bike Park area are marked with a star ★ symbol to assist the reader. These interdisciplinary references include a wide spectrum of papers from diverse journals, including pulmonary health physics of asbestos and mineral dust.

- ★ Alexander, Earl B., Coleman, Robert G., Keeler-Wolf, T., and Harrison, Susan P., 2007, **Serpentine geocology of western North America — geology, soils, and vegetation**: Oxford University Press, 512 pages. *These are all California-based authors.*
- ASTM Test D-5268, Standard specification for topsoil used for landscaping purposes: American Society for Testing & Materials, 2 p. [www.astm.org](http://www.astm.org)
- Buseck, Peter R., and Posfai, M., 1999, **Airborne minerals and related aerosol particles** — effects on climate and the environment: *Proceedings of the National Academy of Sciences*, vol. 96, March 1999 issue, p. 3372-3379.
- California Air Resources Board; Regulations and information on asbestos posted on the web at:  
< [www.arb.ca.gov/toxics/asbestos/reginfo.htm](http://www.arb.ca.gov/toxics/asbestos/reginfo.htm) >
- ★ California Air Resources Board, ARB Test Method 435, **Determination of asbestos content in serpentine aggregate**:  
< [www.arb.ca.gov/toxics](http://www.arb.ca.gov/toxics) > *Use of this test method is required by two asbestos Airborne Toxic Control Measures (ATCM's).*
- Clinkenbeard, John P., Churchill, Ronald K., and Lee, K., editors, 2002, **Guidelines for geologic investigations of naturally occurring asbestos in California**: California Geological Survey Special Publication 124, 7 figures, 6 tables, 70 p.
- Derbyshire, Edward, 2005, **Natural aerosolic mineral dusts and human health** — potential effects; Chapter 18 in Selinus, Olle, editor, *Essentials of medical geology — impacts of the natural environment on public health*: Academic Press, 832 p., 80 chapters.
- Guthrie, George D. Jr., and Mossman, Brooke T., editors, 1993, **Health effects of mineral dusts**: *Reviews in Mineralogy*, vol. 28, 584 p.
- ★ Higgins, Christopher T., and Clinkenbeard, John P., 2006, **Relative likelihood for the presence of naturally occurring asbestos in Placer County, California**: California Geological Survey, **Special Report 190, 45 p., map scale 1:100,000.**
- National Academy of Medicine, 2006, **Asbestos: selected cancers**: National Academy of Sciences, Board on Population Health and Public Health Practice, 394 p. [www.nap.edu](http://www.nap.edu)
- Kane, Agnes B., 1993, **Epidemiology and pathology of asbestos-related diseases**, in Guthrie, G.D., and Mossman, B.T., editors, 1993, *Health effects of mineral dusts: Reviews in Mineralogy*, vol. 28, chapter 11, p. 347–359. < [www.msa.org](http://www.msa.org) >
- ★ Klein, Cornelius, 1993, **Rocks, minerals and a dusty world**, chapter 2, in Guthrie, G.D., and Mossman, B.T., editors, 1993, *Health effects of mineral dusts: Reviews in Mineralogy*, vol. 28, 584 p., chap. 2, p. 7–59. < [www.msa.org](http://www.msa.org) >
- National Research Council, 1984, **Asbestiform fibers: nonoccupational health risks**: National Academy Press, 334 p. [www.nap.edu](http://www.nap.edu)
- ★ Sederquist, David, and Kroll, Roy, 2002, **The site-specific evaluation of naturally occurring asbestos in the central Sierra Nevada foothills of California**, in Ferriz, H., and Anderson, R.L., editors, *Engineering geology practice in northern California*: California Geological Survey Bulletin 210 and Association of Engineering Geologists Special Publication 12, p. 619–628.
- Skinner, H. Catherine, and Berger, Antony R., editors, 2003, **Geology and health**: Oxford University Press, 26 papers, 192 p.



July 3, 2017

TO: The Auburn Park and Recreation District and its Board; and,  
US Bureau of Reclamation, Sacramento Division & Offices.

RE: Comments re: Bike Park Project, Auburn, CA

This letter is sent as a comment to the Bureau of Reclamation and Auburn Parks and Recreation District, regarding the District's Bike Park Project. The project is a recreational use to be developed in the Auburn area and the creation of a "Bike Park." The District owns a number of parcels of land where the Bike Park may be created and operated -- but the District has been focusing on what is referred to as the Maidu site, almost to or to the total exclusion of other project sites and to the exclusion of the comments of the local community, while being attentive to the international biking lobbyists and national and local biking lobby groups.

The Maidu site is not owned by the Parks and Recreation District, it is owned by the Bureau of Reclamation.

The comments herein are more specifically addressed to the consideration of what is referred to as the Maidu proposed project location and the potentially significant negative effects arising from the use of that site, which may be mitigated, reduced, or eliminated by using one of the other properties already owned by the Parks and Recreation District.

Using a site already owned by the Parks and Recreation District makes sense for the Federal agencies when the insurance and liability, management, maintenance, and policing issues are considered (regardless of any existing agreement with the

local agency) which would not otherwise adhere to the Federal property from the Bike Park operations if they were created on local District lands and not on Federal lands.

Most importantly, for purposes of this comment letter -- the Maidu location is one among many different potential project sites and locations. There is only a gloss of a description of how that site was focused on, which admits that it was influenced by the participation of the biking lobbyists and their organizations to the exclusion of the rest of the community. Undoubtedly, this raises Brown Act violation issues because of the prejudicial nature of the decisions and the narratives supporting it which are not transparent and show behind the scenes communications by the Board, its members, and the biking lobbyists.

Those locally owned lands do not have the potential significant negative effects and impacts as does the Maidu site, owned by the United States.

There has been a failure, by the Board to consider these alternative project sites and of the Federal agencies in reviewing this project under the Federal laws governing federal lands and the State laws. (NEPA requires a specific articulation of and consideration of all feasible project alternatives – something which has not been done at all or totally inadequately in this project review process to date. And, at the state and local level, CEQA requires identifying negative potential cumulative and direct project impacts, specification of information inadequacies when they are present, e.g. asbestos contamination rates and issues, and consideration of project alternatives, such as alternative sites, as well – as is described and set forth in the discussion and citations of California laws and regulations herein.)

The Board has announced a determination and intention to use the Maidu location (subject to receiving additional comments as part of a July 27<sup>th</sup> meeting)<sup>1</sup> -- contrary to the requests, comments, and advice of community members and local area residents who live in the adjacent residential neighborhood composed of families with children and their homes. This comment letter, in part, requests that this decision be revised and/or reversed in order to provide an adequate environmental consideration of potential adverse cumulative and direct effects of the project and to consider the project alternative, as well as to avoid any legal disputes in either of both Federal and/or State court, and to specifically provide a proper evaluation of the community concerns before making a final decision.

A priority concern for the local people is the presence of asbestos in the soil within and nearby the project area and the risk to children living in the adjacent residential housing project, to users, to the public in the area, and to the environment from asbestos contamination that will be increased using the Maidu site for a bicycle sporting and events park. (See the attached .pdf comment by a licensed state geologist who is intimately familiar with the Maidu project site and uses in the area, incorporated herein by this reference. Also incorporated herein are the list of issues and letters from community members regarding negative impacts and liability, quality of life and the environmental issues sent to you by community members and users of the area at issue.)

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<sup>1</sup> As indicated in an email communication from the Bureau of Reclamation dated June 29<sup>th</sup> to Judy Suter.

Note: The Initial Study Assessment identifies Placer County Air Pollution Control District and an asbestos dust mitigation plan as a requirement of this project, but nowhere identifies or addresses the nature, extent, and significance of the asbestos effects of the project – this is impermissible classic piecemealing of a proposed project in order to avoid finding significant potential cumulative and/or direct negative impacts and effects of a project at the earliest significant point of review of the project. See CEQA 21065; and Guidelines 15378 (a), *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 283-284 (CEQA requires “that environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences.” Also, the only reason for finding no “National Pollutant Discharge Elimination System (NPDES) and no Stormwater Pollution Prevention Plan (SWPPP)” will be required at this time is this suspect disturbed area calculation.).<sup>2</sup>

Also, traffic issues have not been addressed and threaten a reduction of the quality of life, air quality, noise levels, nighttime lights, and property values decline due to a decline of quality of living in the area and the threat of asbestos contamination from the naturally occurring asbestos in the soils in the area. The current project utilizes residential streets as major thoroughfares for access to the proposed Bike

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<sup>2</sup> The only evidence justifying that latter conclusion is a perfunctory and loose assertion that only .91 acres of soil surface will be disturbed, which appears to be only a self-serving manipulation of the data in such an extensive project, intended specifically to occupy and use over 8 total acres for a large number of specific bike trail and sports activity facilities at this site. Initial Study/Assessment p. 18.

Park open to the general public. (It should be mentioned here that the Board has received many more public comments from users who reside out of this area, this state and this country than they have taken and considered from local residents who are just recently becoming aware of the risks to their health, the quality of their lives, the transportation related issues, the asbestos issues, light and noise issues, and all other issues herein addressed.)

The equestrian trail is endangered and the safety of users disregarded in the existing review process, including disregarding the historical trail issues related to the significance of the area as a part of the historic pioneer's express trail system.

And, it is not clear at all that there will not be any significant effects to fish and wildlife from the dust and silt created by a Bike Park, and associated traffic, noise, light and use of the Maidu area adjacent to a river with active salmonid and other fish present for a dirt bike park area.

As one of the procedural errors in this process of environmental review -- The Initial Study/Assessment did not contain any evidence citing the registration number showing that it had been filed with or properly reviewed by the State Clearinghouse. No number was present indicating such a review and compliance, and it made it impossible for the public to easily locate or obtain information and assistance necessary to an informed comment upon the project and to assure that notice was sent out to all the State and any necessary federal agencies.

These are but a few of the many issues, both procedural and substantive, that have been addressed in comments previously filed by community members, and yet their request for more time within which to comment has been summarily rejected

-- without any proper and adequate consideration, by both the Federal and State and local agencies -- of these above listed concerns and the many others already identified in community responses to the project and the Maidu location.

As a separate procedural issue -- the determination by the Board is being made without giving the public adequate time to respond, notices were not adequate or sufficient in the initial stages of this project, there is no evidence of consultation with all the require or other agencies, and adequate and timely notice is a formal procedural requirement for all projects under the California Environmental Quality Act (CEQA Pub. Res. Code 21000 et seq. and NEPA 42 U.S.C. 4321 et seq. and the respective California State Guidelines and Federal Regulations.)

The determination of the board does not comply with the CEQA statutes and Guidelines, or the Federal controlling laws governing Bureau of Reclamation, and related Federal and state agencies governing environmental protections on state and federal lands and state and federal projects on those lands.

For example, air quality from the dust by itself is an issue, due to the cumulative effects of all other uses separate from the additional project use of the area for a Bike Park. The same is true for transportation, parking, road use, and related issues. Also, light and noise from any facilities after dark and the impacts of all uses on local wildlife, runoff of asbestos laden dust into the river waters, increased siltation, etc. are not addressed adequately or at all in the Initial Study and project determinations being made by the Board and accepted by the Federal Agencies, to date. As previously stated, it is not clear that all the appropriate state and local agencies were contacted and notified of this proposed project as required by CEQA

and NEPA. See the following discussion of and citations to the governing laws and case law citations:

**I. CEQA Applies to this project, and governs the local and state agencies in this matter, including responsible transportation planning agencies and public agencies responsible for transportation and traffic related issues (Citations are to the Public Resources Code of California, West):**

**§ 21080. DIVISION APPLICATION TO DISCRETIONARY PROJECTS; NONAPPLICATION; NEGATIVE DECLARATIONS; ENVIRONMENTAL IMPACT REPORT PREPARATION**

(a) Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division. ....

(c) If a lead agency determines that a proposed project, not otherwise exempt from this division, would not have a significant effect on the environment, the lead agency shall adopt a negative declaration to that effect. The negative declaration shall be prepared for the proposed project in either of the following circumstances: Association of Environmental Professionals 2016 CEQA Statute 11

(1) There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.

(2) An initial study identifies potentially significant effects on the environment, but

(A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and



(B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment.

(d) If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared.

(e) (1) For the purposes of this section and this division, substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.

(2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment.

(f) As a result of the public review process for a mitigated negative declaration, including administrative decisions and public hearings, the lead agency may conclude that certain mitigation measures identified pursuant to paragraph (2) of subdivision (c) are infeasible or otherwise undesirable. In those circumstances, the lead agency, prior to approving the project, may delete those mitigation measures and substitute for them other mitigation measures that the lead agency finds, after holding a public hearing on the matter, are equivalent or more effective in mitigating significant effects on the environment to a less than significant level and that do not cause any potentially significant effect on the environment. If those new mitigation measures are made conditions of project approval or are otherwise made part of the project approval, the deletion of the former measures and the substitution of the new mitigation measures shall not constitute an action or circumstance requiring recirculation of the mitigated negative declaration.

(g) Nothing in this section shall preclude a project applicant or any other person from challenging, in an administrative or judicial proceeding, the legality of a condition of project approval imposed by the lead agency. If, however, any condition of project approval set aside by either an administrative body or court was necessary to avoid or lessen the likelihood of the occurrence of a significant effect on the environment, the lead agency's approval of the negative declaration and project shall be invalid and a new environmental review process shall be

conducted before the project can be reapproved, unless the lead agency substitutes a new condition that the lead agency finds, after holding a public hearing on the matter, is equivalent to, or more effective in, lessening or avoiding significant effects on the environment and that does not cause any potentially significant effect on the environment.

**§ 21062. LOCAL AGENCY** “Local agency” means any public agency other than a state agency, board, or commission. For purposes of this division a redevelopment agency and a local agency formation commission are local agencies, and neither is a state agency, board, or commission.

**§ 21063. PUBLIC AGENCY** “Public agency” includes any state agency, board, or commission, any county, city and county, city, regional agency, public district, redevelopment agency, or other political subdivision.

**§ 21065. PROJECT** “Project” means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following: (a) An activity directly undertaken by any public agency. Association of Environmental Professionals 2016 CEQA Statute 7

(b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

(c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

**15368. LOCAL AGENCY** “Local agency” means any public agency other than a state agency, board, or commission. Local agency includes but is not limited to cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency. Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21062 and 21151, Public Resources Code.

#### **§ 21092.4. CONSULTATION WITH TRANSPORTATION PLANNING AGENCIES AND PUBLIC AGENCIES**

(a) For a project of statewide, regional, or areawide significance, the lead agency shall consult with transportation planning agencies and public agencies that have transportation facilities within their jurisdictions that could be affected by the project. Consultation shall be conducted in the same manner as for responsible agencies pursuant to this division, and shall be for the purpose of the lead agency obtaining information concerning the project's effect on major local arterials, public transit, freeways, highways, overpasses, on-ramps, off-ramps, and rail transit service within the jurisdiction of a transportation planning agency or a public agency that is consulted by the lead agency. A transportation planning agency or public agency that provides information to the lead agency shall be notified of, and provided with copies of, environmental documents pertaining to the project.

(b) As used in this section, "transportation facilities" includes major local arterials and public transit within five miles of the project site and freeways, highways, overpasses, on-ramps, offramps, and rail transit service within 10 miles of the project site.

**II. Agency responsibility under CEQA is to identify potentially significant adverse impacts, to mitigate such impacts and to consider alternatives that will maximize mitigation and reduce or eliminate all such negative effects through communication and transparency with the public and providing for informed self-government. That the agencies did not do in this case: see *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.**

**§ 21002.1. USE OF ENVIRONMENTAL IMPACT REPORTS; POLICY** In order to achieve the objectives set forth in Section 21002, the Legislature hereby finds and declares that the following policy shall apply to the use of environmental impact reports prepared pursuant to this division:

(a) The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

(b) Each public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so. Association of Environmental Professionals 2016 CEQA Statute 3

(c) If economic, social, or other conditions make it infeasible to mitigate one or more significant effects on the environment of a project, the project may nonetheless be carried out or approved at the discretion of a public agency if the project is otherwise permissible under applicable laws and regulations.

(d) In applying the policies of subdivisions (b) and (c) to individual projects, the responsibility of the lead agency shall differ from that of a responsible agency. The lead agency shall be responsible for considering the effects, both individual and collective, of all activities involved in a project. A responsible agency shall be responsible for considering only the effects of those activities involved in a project which it is required by law to carry out or approve. This subdivision applies only to decisions by a public agency to carry out or approve a project and does not otherwise affect the scope of the comments that the public agency may wish to make pursuant to Section 21104 or 21153.

(e) To provide more meaningful public disclosure, reduce the time and cost required to prepare an environmental impact report, and focus on potentially significant effects on the environment of a proposed project, lead agencies shall, in accordance with Section 21100, focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.

**III. CEQA contains substantive provisions with which agencies must comply. The most important of these is the provision requiring public agencies to deny approval of a project with significant adverse effects when feasible alternatives or feasible mitigation measures can substantially lessen such effects. See *Sierra Club v. Gilroy City Council* (6 Dist. 1990) 222 Cal. App.3d 30; Pub. Res. Code 21002, Guidelines 15002 (a)(3), 15021 (a)(2), (c); 15041(a); 15063(c)(2); 15091 (a); 15093; 15096 (g); 15126 (c), (d); 15364; 15370.**

**IV. The environmental review process is a means by which the public interacts with decisionmakers in developing policies affecting the environment. The California Supreme Court has stated the CEQA process “protects not only the environment but also informed self-government.” See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 392.**

**V. The Initial Study is deficient, does not address required considerations and community concerns and issues; there was no Clearinghouse number indicated on the document; there is no evidence of adequate consultation with necessary agencies like CA Fish & Wildlife, CalTrans or local streets and roads agencies; State Lands Commission regarding the streambed adjacent to the site; the Army Corps regarding waters of the United States potentially impacted by the project; etc.: (See the CEQA Guidelines, California Code of Regulations Title 14 at the cited regulation numbers) --**

**15060. PRELIMINARY REVIEW** (a) A lead agency is allowed 30 days to review for completeness applications for permits or other entitlements for use. While conducting this review for completeness, the agency should be alert for environmental issues that might require preparation of an EIR or that may require additional explanation by the applicant. Accepting an application as complete does not limit the authority of the lead agency to require the applicant to submit additional information needed for environmental evaluation of the project. Requiring such additional information after the application is complete does not change the status of the application.

(b) Except as provided in Section 15111, the lead agency shall begin the formal environmental evaluation of the project after accepting an application as complete and determining that the project is subject to CEQA.

(c) Once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA before conducting an initial study. An activity is not subject to CEQA if:

(1) The activity does not involve the exercise of discretionary powers by a public agency;

(2) The activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or

(3) The activity is not a project as defined in Section 15378.

(d) If the lead agency can determine that an EIR will be clearly required for a project, the agency may skip further initial review of the project and begin work directly on the EIR process described in Article 9, commencing with Section 15080. In the absence of an initial study, the lead agency shall still focus the EIR on the significant effects of the project and indicate briefly its reasons for determining that other effects would not be significant or potentially significant.

Authority: Sections 21083, Public Resources Code; Reference: Sections 21080(b), 21080.2 and 21160, Public Resources Code. Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 65944, Government Code; Section 21080.2, Public Resources Code.

### **15063. INITIAL STUDY**

(a) Following preliminary review, the Lead Agency shall conduct an Initial Study to determine if the project may have a significant effect on the environment. If the Lead Agency can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable. Association of Environmental Professionals 2016 CEQA Guidelines 135

(1) All phases of project planning, implementation, and operation must be considered in the Initial Study of the project.

(2) To meet the requirements of this section, the lead agency may use an environmental assessment or a similar analysis prepared pursuant to the National Environmental Policy Act.

(3) An initial study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings. However, an initial study is neither intended nor required to include the level of detail included in an EIR.

(b) Results.

(1) If the agency determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, the Lead Agency shall do one of the following:

(A) Prepare an EIR, or

(B) Use a previously prepared EIR which the Lead Agency determines would adequately analyze the project at hand, or

(C) Determine, pursuant to a program EIR, tiering, or another appropriate process, which of a project's effects were adequately examined by an earlier EIR or negative declaration. Another appropriate process may include, for example, a master EIR, a master environmental assessment, approval of housing and neighborhood commercial facilities in urban areas, approval of residential projects pursuant to a specific plans described in section 15182, approval of residential projects consistent with a community plan, general plan or zoning as described in section 15183, or an environmental document prepared under a State certified regulatory program. The lead agency shall then ascertain which effects, if any, should be analyzed in a later EIR or negative declaration.

(2) The Lead Agency shall prepare a Negative Declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.

(c) Purposes. The purposes of an Initial Study are to:

(1) Provide the Lead Agency with information to use as the basis for deciding whether to prepare an EIR or a Negative Declaration.

(2) Enable an applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration.

(3) Assist in the preparation of an EIR, if one is required, by:

(A) Focusing the EIR on the effects determined to be significant,

(B) Identifying the effects determined not to be significant,

(C) Explaining the reasons for determining that potentially significant effects would not be significant, and

(D) Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

(4) Facilitate environmental assessment early in the design of a project;

(5) Provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment;

(6) Eliminate unnecessary EIRs;

(7) Determine whether a previously prepared EIR could be used with the project.

(d) Contents. An Initial Study shall contain in brief form: Association of Environmental Professionals 2016 CEQA Guidelines 136

(1) A description of the project including the location of the project;

(2) An identification of the environmental setting;

(3) An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries. The brief explanation may be either through a narrative or a reference to another information source such as an attached map, photographs, or an earlier EIR or negative declaration. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.

(4) A discussion of the ways to mitigate the significant effects identified, if any;

(5) An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls; (6) The name of the person



or persons who prepared or participated in the Initial Study. (e) Submission of Data. If the project is to be carried out by a private person or private organization, the Lead Agency may require such person or organization to submit data and information which will enable the Lead Agency to prepare the Initial Study. Any person may submit any information in any form to assist a Lead Agency in preparing an Initial Study.

(f) Format. Sample forms for an applicant's project description and a review form for use by the lead agency are contained in Appendices G and H. When used together, these forms would meet the requirements for an initial study, provided that the entries on the checklist are briefly explained pursuant to subdivision (d)(3). These forms are only suggested, and public agencies are free to devise their own format for an initial study. A previously prepared EIR may also be used as the initial study for a later project. (g) Consultation. As soon as a Lead Agency has determined that an Initial Study will be required for the project, the Lead Agency shall consult informally with all Responsible Agencies and all Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared. During or immediately after preparation of an Initial Study for a private project, the Lead Agency may consult with the applicant to determine if the applicant is willing to modify the project to reduce or avoid the significant effects identified in the Initial Study.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080(c), 21080.1, 21080.3, 21082.1, 21100 and 21151, Public Resources Code; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, i (1990) 222 Cal.App.3d 1337.

**VI. The choice of the Maidu location is made without adequate environmental review, based on a deficient Initial Study and violates the intentions of the legislature in enacting the CEQA statutory processes to protect the environment and protect the public from adverse effects -- or to mitigate those effects, including evaluating alternative project sites. The purposes of the CEQA statutory processes are matters of law and are not satisfied by this project review process and by the denial of further time to properly evaluate the potential negative impacts and effects of this project proposal, including no substantive analysis of any or all of the project**

**alternatives (and, consideration of the no project alternative, as is required for compliance with NEPA as applicable to lands owned by the Bureau of Reclamation on its federal lands; see National Environmental Protection Act 42 U.S.C. 4321 et seq. and Code of Federal Regulations below cited 1500 et seq., and CEQA CA Pub. Res. Code 21000 et seq.).**

## **CEQA**

**§ 21000. LEGISLATIVE INTENT** The Legislature finds and declares as follows:

- (a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.
- (b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.
- (c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.
- (d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.
- (e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.
- (f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.
- (g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment for every Californian.

**§ 21001. ADDITIONAL LEGISLATIVE INTENT** The Legislature further finds and declares that it is the policy of the state to:

- (a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.
- (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- (c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.
- (d) Ensure that the long-term protection of the environment, consistent with the provision of a decent home and suitable living environment for every Californian, shall be the guiding criterion in public decisions.
- (e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.
- (f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.
- (g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

**Code of Federal Regulations: And, see these Federal regulations having the force of law, operative in cases involving lands of the US and federal agency projects and decisions, simultaneously with California State laws, as provided by the respective laws of the US and the State of California, see from the Federal Regulations C.F.R. Title 40 the following:**

//

### **§1501.3 When to prepare an environmental assessment.**

(a) Agencies shall prepare an environmental assessment (§1508.9) when necessary under the procedures adopted by individual agencies to supplement these regulations as described in §1507.3. An assessment is not necessary if the agency has decided to prepare an environmental impact statement.

(b) Agencies may prepare an environmental assessment on any action at any time in order to assist agency planning and decision making.

### **§1502.14 Alternatives including the proposed action.**

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (§1502.15) and the Environmental Consequences (§1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the alternative of no action.

(e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

### **§1502.22 Incomplete or unavailable information.**

When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency shall always make clear that such information is lacking.

(a) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

(b) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the agency shall include within the environmental impact statement:

(1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. For the purposes of this section, "reasonably foreseeable" includes impacts which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason.

(c) The amended regulation will be applicable to all environmental impact statements for which a Notice of Intent (40 CFR 1508.22) is published in the FEDERAL REGISTER on or after May 27, 1986. For environmental impact statements in progress, agencies may choose to comply with the requirements of either the original or amended regulation.

### **§1502.25 Environmental review and consultation requirements.**

(a) To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*), the National Historic Preservation Act of 1966 (16 U.S.C.

470 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), and other environmental review laws and executive orders.

(b) The draft environmental impact statement shall list all Federal permits, licenses, and other entitlements which must be obtained in implementing the proposal. If it is uncertain whether a Federal permit, license, or other entitlement is necessary, the draft environmental impact statement shall so indicate.

**Conclusion of these immediate comments:** There is no urgency to this project such that further time for the community to respond and comment is not appropriate. The local agency Board has shown no due regard to the concerns of the public, and, to date, it is not clear why the individual Board members are proving themselves to be determined to use the Maidu site and to avoid any serious review or discussion of all the alternative sites. This should not be allowed by the Federal agency staff under the federal laws, as this project is proposed to significantly alter and modify the patterns and locations of uses on Federal lands adjacent to waters of the US, and active major river streambed, with salmonid fish present now and historically.

The community and the equestrian trail users have requested that I write this letter in order to convey their concerns and the seriousness with which they take this proposed project and its potential negative impacts and effects to the local residents, the regional and all users of the trails, and the community of Auburn and the health and safety of all concerned, their standards of living, quality of life, property values and uses, and the protection of the environment from unnecessary and unwanted destruction and negative impacts and effects.

Thank you for your time and consideration, on behalf of the equestrian users and the local community,

William O. Davis,  
Attorney at Law, State Bar 137629  
P.O. Box 492796,  
Redding, CA 96049  
530-242-1275



----- Forwarded message -----

From: **Jane Ragan** <[doctorragan@gmail.com](mailto:doctorragan@gmail.com)>

Date: Sat, Jun 17, 2017 at 12:30 PM

Subject: In support of Auburn Bike Park

To: [KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com), [jlefevre@usbr.gov](mailto:jlefevre@usbr.gov)

To Whom It May Concern:

Auburn sure needs a bike park. There is so much pent up demand for this kind of healthy lifelong recreation. Bike parks offer a family-friendly type of recreation all ages can enjoy and derive health benefits from. They offer a venue for fundraising for community non-profits doing beneficial work. Auburn and the surrounding area want and need a bike park! Attached is a pic of the womens' and girls' skill clinic last month at the Truckee Bike Park. Camaraderie, self-esteem, mental and physical fitness are all well known outcomes from outdoor exercise and people want to do it on bikes!

Thanks for your kind consideration.

Jane Ragan, MD





-----Original Message-----

From: MTB-fit [<mailto:mtbfitcoaching@gmail.com>]

Sent: Saturday, July 1, 2017 10:54 PM

To: Kahl Muscott <[KMuscott@auburnrec.com](mailto:KMuscott@auburnrec.com)>

Subject: Auburn Bike Park

Hello Kahl Muscott,

As a citizen and tax payer of Auburn, I want you to know how much myself and my family support the proposed bike park here in Auburn. I won't lie... I think Overlook would have been a better location. But The maidu location will work. Auburn has a large mtb community that will support and take care of this park. You don't have to look far to see the kind of people that use a facility like this are affluent and educated. Developing these areas will only improve our land valuePlease do not be fooled by people who don't even live in this town. This will be great for this community. You only have to drive 60 miles up the road to Truckee to see how amazing a project like this can turn out!

Thank you for your time and support!

Paige Ramsey

Sent from my iPhone

**From:** Joy Reed [mailto:joythereed@gmail.com]

**Sent:** Sunday, July 2, 2017 5:40 PM

**To:** jlefevre@usbr.gov; Kahl Muscott <KMuscott@auburnrec.com>

**Subject:** Bike park

Hello!

On behalf of our family, we are writing in strong support of the Maidu bike park project (aka Auburn Bike Park).

We have 4 kids (ages 7, 9, 11 and 12) and live a few minutes away from Skyridge elementary where I work and a couple of our kids attend school. We'd love to have a bike park close to our school and house that encourages kids to ride their bikes. The bike park will keep our kids active, getting them outside while improving their bike riding skills, in a safe space away from traffic. Right now we have to go all the way to Folsom to ride bikes, and it is usually so busy with bikers that our kids feel a little nervous to ride. It would be amazing to have a local bike park!

We appreciate your work on this project and can't wait for the park to be open for us to enjoy as a family!

Sincerely,

Jeff and Joy Reed

805 Hoyer Ln.

Newcastle, CA 95658

----- Forwarded message -----

From: Jim Ricker <jvricker51@gmail.com>

Date: Aug 22, 2017 4:58 PM

Subject: Comments Regarding Maidu Bike Park

To: Kahl Muscott <KMuscott@auburnrec.com>, Gordon Ainsleigh  
<GAinsleigh@auburnrec.com>, Jim Gray <JGray@auburnrec.com>, Jim Ferris  
<JFerris@auburnrec.com>, Scott Holbrook  
<SHolbrook@auburnrec.com>, Mike.lynch.ard@gmail.com  
Cc:

Dear Sirs,

Please consider this as the official comments from the North Fork American River Alliance (NFARA), regarding the proposed Maidu Bike Park.

North Fork American River Alliance is dedicated to protecting the wild, scenic, and cultural heritage of the North Fork American River Canyon. Let me say right off that WE SUPPORT A BIKE PARK. However, we oppose this location because of visual, environmental, and historical impacts. Several other superior locations not on the canyon rim such as Regional Park or Shockley Road have been identified and the park should be located there. We dispute the Mitigated Negative Declaration and support a NO ACTION alternative.

We feel the following impacts were inadequately addressed in the draft CEQA/NEPA:

- \* SIGNIFICANT LOSS OF AN IRREPLACEABLE VIEWSCAPE AND SCENIC VISTAS.
- \* THE CHANGE IN USE FROM A PASSIVE RECREATION AREA.
- \* NO COMPARABLE MITIGATION FOR NATIONALLY DESIGNATED HISTORICAL TRAIL LOSS.
- \* THE COMMUNITY PREVIOUSLY AND PUBLICLY EXPRESSED THEY DO NOT WANT A BIKE PARK AT MAIDU DRIVE.
- \* COMMUNITY WAS NOT GIVEN THE FULL SCOPE OF THE PROJECT.
- \* HEATH AND SAFETY ISSUES FROM AIRBORNE DUST AND PARTICULATE MATTER INCLUDING ASBESTOS.

We, like many other park users and homeowners, feel that development should not be expanded onto the edge of our beautiful river canyon. We don't want a bike park diminishing the quality of the passive recreational use and natural surroundings of this treasured area. We urge ARD to go back to their list and select a less controversial and more suitable location.

Sincerely,

Jim Ricker, President - North Fork American River Alliance